

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 07 2006

No. 05-16714 at 2 o'clock and 10 min. P M  
D.C. No. CV-04-00726-  
DAE/KSC  
SUE BEITIA, CLERK

NATIONWIDE MUTAL INSURANCE  
COMPANY,

Plaintiff-counter-defendant -  
Appellee,

V.

DAVID KERSH,

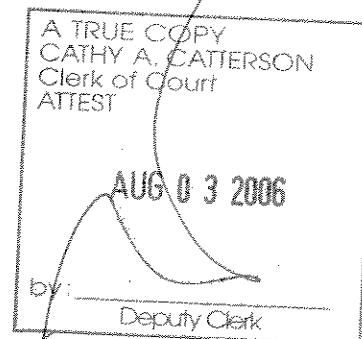
Defendant-counter-claimant -  
Appellant.

**JUDGMENT**

Appeal from the United States District Court for the District of Hawaii  
(Honolulu).

On consideration whereof, it is now here ordered and adjudged by this  
Court, that the appeal in this cause be, and hereby is **DISMISSED for lack of  
jurisdiction.**

Filed and entered 11/28/05



UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

NOV 28 2005

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NATIONWIDE MUTAL INSURANCE  
COMPANY,

Plaintiff-counter-defendant -  
Appellee,

v.

DAVID KERSH,

Defendant-counter-claimant -  
Appellant.

No. 05-16714

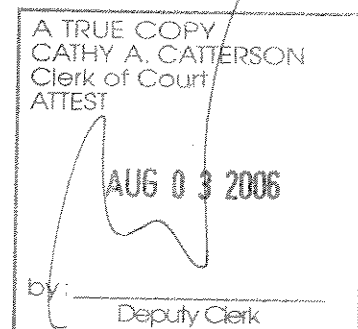
D.C. No. CV-04-00726-DAE/KSC  
District of Hawaii,  
Honolulu

ORDER

Before: WALLACE, LEAVY and BERZON, Circuit Judges

Appellee's motion to dismiss this appeal for lack of jurisdiction is granted.

See 28 U.S.C. § 1447(d); *Kunzi v. Pan American World Airway, Inc.*, 833 F.2d 1291 (9th Cir. 1987) (order remanding for lack of federal jurisdiction is not reviewable). All other pending motions are denied as moot.



INTERNAL USE ONLY: Proceedings include all events.  
05-16714 Nationwide Mutual v. Kersh

NATIONWIDE MUTAL INSURANCE  
COMPANY

Plaintiff-counter-  
defendant - Appellee

John H. Price, Esq  
808/538-7677  
[COR LD NTC ret]  
1070 Pioneer Plaza  
900 Fort Street Mall  
Honolulu, HI 96813

Dennis L. Hearon, Esq.  
248/213-2900  
Suite 316  
[COR LD NTC ret]  
HOPKINS CURRAN & SMITH PLLC  
26899 Northwestern Hwy  
Southfield, MI 48034-8421

v.

DAVID KERSH  
Defendant-counter-  
claimant - Appellant

David Kersh  
808/943-6200  
[NTC prs]  
P.O. Box 75166  
Honolulu, HI 75166